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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,123	06/15/2001	Licheng Zeng	WDUMR-022US	8259

7590 04/07/2006

Stetina Brunda Garred & Brucker-Lowell Anderson  
75 Enterprise, Suite 250  
Aliso Viejo, CA 92656

EXAMINER
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ALAUBAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/883,123

Applicant(s)

ZENG, LICHENG

Examiner

Haythim J. Alaubaidi

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is a Non-Final Office Action in response to the Amendment filed on February 23, 2006.
2. Claim No. 1 is the only claim presented for examination following the after final amendment filed on February 23, 2006
3. Claim 1 would be allowed over the prior art of record if amended to overcome the 101 rejection set forth in this Office Action.

### ***Priority***

4. Applicant's claim for foreign priority under 35 U.S.C. §119(a)–(d) is acknowledged, the Applicant was accorded the benefit of the earlier filing date of May 18, 2001.

### ***Transitional After Final Practice***

5. Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), the finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a). Applicant's After Final Amendment filed on February 23, 2006 has been entered.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. The claimed invention as in Claim No. 1 is directed to non-statutory subject matter. The claim limitations appear to be non-functional descriptive material, per se. If Applicant is attempting to claim a data structure (functional descriptive material), Applicant must establish how/why what is claimed meets the IEEE definition of a data structure, specifically a physical or logical relationship among data elements, designed to support specific data manipulation functions. Even if it is functional descriptive material, the claimed system lacks recitation the hardware necessary to realize any underlying functionality of the claimed elements.

***Points of Contact***

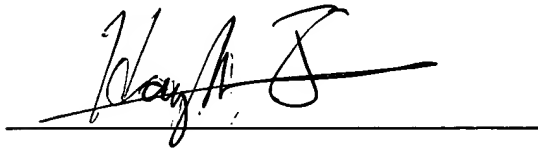
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached at (571) 272-3642.

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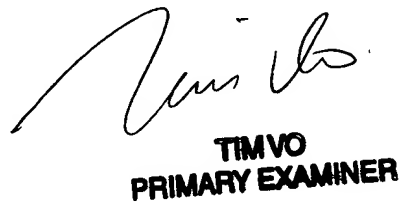
Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or Faxed at  
our central fax number (571) 273-8300.

Hand-delivered responses should be brought to the Customer Service Window of the  
Randolph Building at 401 Dulany Street, Alexandria, VA 22314

A handwritten signature in black ink, appearing to be "Wang A. J.", written over a horizontal line.

Patent Examiner  
Technology Center 2100  
Art Unit 2168

A handwritten signature in black ink, appearing to be "Tim Vo", written above the printed name.  
**TIM VO**  
**PRIMARY EXAMINER**